



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
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Bruce A. Rogers, et al. :
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Application No.: 10/763,846 : Group Art Unit: 3732
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Filed: January 23, 2004 : Examiner: R.A. Running
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For: ADJUSTABLE HAIR HOLDING :
DEVICE :
:
Atty. Docket No.: ROG030.10003 :

I, John F. Letchford, Registration No. 33,328, certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 11, 2008.



JOHN F. LETCHFORD

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

The following comments are in response to the Examiner's statement of reasons for allowance ("Statement") set forth at page 3 of the Examiner's Amendment which was attached to the Notice of Allowance and Fee(s) Due dated December 5, 2008.

The Statement is as follows (with emphasis added):

The claims in the instant application have not been rejected using prior art because no references, or reasonable combination thereof, could be found which disclose or suggest an adjustment means comprising a non-slip friction mechanism coaxially arranged with respect to the hinge means, in combination with the elements of claim 1. Wherein the non-slip friction mechanism is interpreted as defined by applicant on page 18, line 21 spanning page 19, line 33. The best prior art of record appears to be Wilde (US 870,330), Wilde discloses the claimed invention except for the non-slip friction mechanism, in particular the disengagement means as defined by applicant's special definition of the non-slip friction mechanism.

Applicants wish to clarify potential confusion that may be engendered by the Statement. First, Applicants agree with the Statement to the extent that it incorporates the definition of "non-slip friction mechanism" set forth at page 18, line 21 through page 19, line 8. However, to the extent the Statement might imply that the "disengagement means" for releasing the "non-slip friction mechanism" must assume the form shown in FIGS. 14-16 and described at page 19, lines 9-33, such interpretation is unduly limiting as well as unnecessary for patentability.

In discharging their duty to disclose the best mode presently known to them for carrying out their invention, Applicants did so in good faith in connection with the "disengagement means" shown in FIGS. 14-16 and described at page 19, lines 9-33. However, the disengagement means shown in FIGS. 14-16 and described at page 19, lines 9-33 was a then presently preferred embodiment -- but not the sole possible embodiment -- of suitable means for disengaging the non-slip friction

mechanism. In this regard, as noted at page 16, lines 28-31 of Applicants' specification (with emphasis added):

Identified generally by reference numeral 360 in FIGS. 10 and 11 is a presently contemplated embodiment of a disengagement means that operates to release friction-type adjustment mechanism.

The foregoing makes unmistakably clear that the "disengagement means" in FIGS. 14-16 and described at page 19, lines 9-33 was merely representative of but one example of disengagement means that would achieve the desired disengagement effect.

Respectfully submitted,

Date: December 11, 2008



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